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PTO/SB/22 (10-00)

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)  
DP-300398



|  |              |                            |
|--|--------------|----------------------------|
| In re Application of   | Dale Obeshaw |                            |
| Application Number   | 09/704,228   | Filed November 1, 2000     |
| For Continued Metal Structural Members and Methods for Making the Same |              |                            |
| Group Art:Unit   | 1775         | Examiner John J. Zimmerman |

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ \_\_\_\_\_
- ☒ Two months (37 CFR 1.17(a)(2)) \$ 400.00
- ☐ Three months (37 CFR 1.17(a)(3)) \$ \_\_\_\_\_
- ☐ Four months (37 CFR 1.17(a)(4)) \$ \_\_\_\_\_
- ☐ Five months (37 CFR 1.17(a)(5)) \$ \_\_\_\_\_

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ \_\_\_\_\_.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 18-0013/40010.004.  
I have enclosed a duplicate copy of this sheet.

- I am the ☐ applicant/inventor
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
  - ☐ attorney or agent of record.
  - ☒ attorney or agent under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) 39,481.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

May 24, 2002

Date

Kenneth E. Horton

Signature

Kenneth E. Horton

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 2 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Serial No. 09/704,228  
Attorney Docket No. DP-300398

intended purpose, there is no suggestion or ~~motivation to make the~~ proposed modification. See  
M.P.E.P. § 2143.01 citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Thus,  
the Office has again not provided sufficient motivation or suggestion for the proposed  
modification.

For the above reasons, the Office has not substantiated that the skilled artisan would have  
considered claims 12-15, 21, and 31-40 obvious in light of Cappa. Accordingly, applicant  
requests withdrawal of this ground of rejection.

#### Allowable Subject Matter

Applicant thanks the Office for indicating that claims 4 and 22-30 would be allowable if  
rewritten in independent form. Accordingly, applicant has amended claims 4 and 22-23 to make  
them independent claims by including limitations from their respective base claims.

#### CONCLUSION

For the above reasons, as well as those of record, applicant respectfully requests the  
Office to withdraw the pending grounds of rejection and allow the pending claims.

If there is any fee due in connection with the filing of this Amendment, including a fee for  
any extension of time not accounted for above, please charge the fee to our Deposit Account No.  
18-0013.

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